

AO 91 (Rev. 08/09) Criminal Complaint

UNITED STATES DISTRICT COURT

for the
Southern District of TexasUnited States District Court
Southern District of Texas
FILED

JUN 12 2020

David J. Bradley, Clerk

United States of America)

v.)

Case No. M-20-1200-MMizraim Posada, Jr.
YOB: 2002 CITIZENSHIP: USC)Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of June 11, 2020 in the county of Hidalgo in the
Southern District of Texas, the defendant(s) violated:*Code Section**Offense Description*

21 U.S.C. § 841

did knowingly and intentionally possess with the intent to distribute approximately 5.04 kilograms of methamphetamine, a Schedule II controlled substance.

21 U.S.C § 952

did knowingly and intentionally import approximately 5.04 kilograms of methamphetamine, a Schedule II controlled substance.

This criminal complaint is based on these facts:

SEE ATTACHMENT "A"

☒ Continued on the attached sheet./s/ Nathan Tong*Complainant's signature*Nathan Tong, U.S. H.S.I. Special Agent*Printed name and title*

Complaint authorized by AUSA Amy Greenbaum

Submitted by reliable electronic means, sworn to and attested
telephonically per Fed.R.Cr.P.4.1, and probable cause found on:Date: 6/12/20207:23 a.m.Peter E Ormsby*Judge's signature*City and state: McAllen, TexasU.S. Magistrate Judge Peter Ormsby*Printed name and title*

Attachment "A"

On June 11, 2020, Department of Homeland Security (DHS), Homeland Security Investigations (HSI), McAllen, Texas Office received information from Customs and Border Protection (CBP), Office of Field Operations (OFO) at the Hidalgo, Texas Port of Entry (POE), in reference to the seizure of approximately 5.04 kilograms of methamphetamine, which was found within the battery of a vehicle making entry into the United States from Mexico. The driver of the vehicle was identified as Mizraim POSADA, Jr.

CBP Officer E. Velasquez stated the vehicle, driven by POSADA, arrived at the pre-primary area at approximately 0900 hours. CBP Officer Velasquez noticed visible tampering to the battery within the vehicle. CBP Officer F. Guerrero referred the vehicle to the secondary inspection lanes at the advisement of CBP Officer Velasquez. Once in secondary inspection, the battery was removed and while utilizing the x-ray, anomalies within the battery of the vehicle were observed. Additionally, CBPO J. Hernandez, a K9 handler, had a positive alert for the presence of narcotics from his K9 Willow at the battery removed from the vehicle. Upon further inspection, a white powdery substance was located within the battery removed from the vehicle. This substance field tested positive for characteristics of methamphetamine and had a final weight of 5.04 kilograms.

HSI McAllen Special Agents responded to assist in the investigation. During a post Miranda interview of POSADA, POSADA made the following non-verbatim statements that have been paraphrased and may not be in the order in which he gave them:

POSADA stated he went to an address near his home in Mexico on June 11, 2020, where he retrieved a black Ford pickup to drive from Mexico into the United States. POSADA stated he crossed this vehicle from Mexico to the United States two prior times and was paid \$250 to do so for each trip. POSADA believed he was going to also be paid \$250 after completing this trip from Mexico to the United States. POSADA was given directions by a co-conspirator on where to retrieve the vehicle in Mexico and where to leave the vehicle once it crossed into the United States. POSADA had communications with the co-conspirator the morning before he attempted entry into the United States on June 11, 2020. POSADA texted this co-conspirator when POSADA was being sent for additional inspection. POSADA described the black Ford pickup he was driving as a suspicious looking vehicle and did search the vehicle prior to driving as POSADA believed there may be weapons or drugs within the vehicle. POSADA additionally stated that he had taken pictures from the vehicle looking at the inspection lanes as he made entry to the United States from Mexico, as he believed there was probably something wrong in the vehicle. When asked by Special Agents, POSADA stated that he is aware that drugs come from Mexico, north, into the United States and money is transported south back to Mexico.